HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.19547 of 2007

Dated: 23-10-2007

Between:

Pragada Govinda Raju
And another

..... Pet

AND

The District Collector,
East Godavari District, Kakinada
and others.

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Counsel for the petitioners : Sri K.Venkatesh

Counsel for the respondents : Asst.Government Pleader
For Land Acquisition

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HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION No.19547 of 2007

O R D E R:

This writ petition is filed for a writ of mandamus to declare notification dated 17.1.2007 issued under Section 4(1) of the Land Acquisition Act, 1894 (for short "the Act") to the extent it relates to Ac.1.77 cents of land in survey No.35/2C and Ac.0.10 cents in Survey No.35/2B of Srikrishnapatnam village, Rajanagaram Mandal, East Godavari district as illegal and void.

Heard Sri K.Venkatesh, learned counsel for the petitioner and the Assistant Government Pleader for Land Acquisition for respondents.

At the hearing, the learned counsel for the petitioner supplied a copy of the order dated 23.8.2007 passed by this Court in Writ Petition No.17830 of 2007 in which the same notification was questioned on the ground that dispensing with the enquiry under Section 5(A) of the Act is illegal. This Court held that the purpose of acquisition, namely, digging of canal for supplying water is not that emergent in nature which warrants dispensing with of the enquiry. Since the notification impugned in this writ petition is common, the same reasoning hold goods for this case as well.

In view of the above, the writ petition is allowed and the declaration dated 20.1.2007 made under Section 6 of the Act is set aside. The respondents are directed to hold an enquiry under Section 5A of the Act and proceed further after the disposal of the objections, if any, filed by the petitioner in accordance with law.

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C.V.NAGARJUNA REDDY,J

Date:23.10.2007
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